

FINDINGS OF FACT AND CONCLUSIONS OF LAW

There was a great deal of confusion on behalf of the Protestants concerning the nature and scope of the hearing. I attempted to explain that Baltimore County would not provide an attorney for the Protestants. I tried to explain the exact purpose of the hearing. I also attempted to explain that

Testimony provided by Mr. Bafitis, P.E., a registered engineer, in support of the Petitioner, indicates that the plats presented as Petitioner's Exhibit 1 and 3 were produced by him in accordance with the requirements of

The Protestants testified that they were opposed to this project because of the change in character of the neighborhood caused by the activities taking place at the church on the subject property. The Protestants also testified, at great length, to the problems caused by the Petitioner, such as the storage of commercial equipment and commercial personal property on the subject property. There was extensive testimony to indicate that Magnolia Avenue is incapable of carrying the present flow of traffic caused by the church. That the increased traffic from the proposed expansion of the church more than exhausted the capabilities of Magnolia Avenue. There was testimony that the residents of the general community are opposed to the operation of a church on the subject property. They believe the church is too close in proximity to

The testimony tends to show that the petitioner has complied with the requirement of R.T.A. to the extent possible. The development of the subject property and the nature of the building are as compatible with the character of the surrounding residential properties as can be produced on this lot.

variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 16th day of December, 1987, that the Petition for Zoning Variance to permit a 33 foot front yard setback in lieu of the required 40 feet, a 10 foot side yard setback in lieu of the required 20 feet, and a summation of 52 feet in the side yard setback in lieu of the required 55 feet for the other principal buildings on the site be and is hereby GRANTED and, furthermore, that the relief requested in the Petition for Special Hearing to approve a new church as meeting to the extent possible the requirements of the Residential Transition Areas, pursuant to Section 1801.1.2.106 be and is hereby GRANTED.

4. That the Petitioner must maintain the parking and traffic areas in good repair; that all traffic and parking areas must be treated, pursuant to Section 10.18.03.D (1)(a) and (b) of the Environment Article to prevent particulate matter from becoming airborne; and the Petitioner shall, at least, three times a year replenish the

JRH:mn
cc: Peoples Counsel

JRI:mun
cc:Peoples Counse

Baltimore County
Department of Environmental Protection
& Resource Management
Courthouse Mezzanine
Towson, Maryland 21204
494-3733

Robert W. Sheesley
Director

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Zoning Advisory Committee Meeting Item #528 are as follows:

Property Owner: John A. Smith, et ux
Location: NW/C Magnolia Avenue and Greenbriar Street
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Hearing to approve a new church and a Variance to allow a 33 foot front yard setback in lieu of the required 40 feet, 10 feet side yard setback of the required 20 feet and the summation of 52 feet side yard setbacks in lieu of required 55 feet for other principle buildings in D.R. 5.5 zone, and a stone paving surface in lieu of the required durable and dustless surface
Area: 0.832 acres
District: 15th Election District

This office recommends (yes) approval of a stone paving surface in lieu of the required durable and dustless surface. All ingress-egress roads are to have the appropriate amount of stone (crusher-run) applied and maintained in addition to storage and parking areas.

All traffic and parking areas must be treated as stated in Environment Article 10.18.03.D(1)(a) & (b) in order to prevent particulate matter from becoming airborne.

Not less than once/year crusher run is to be added to or replenished to insure existing stone surfaces are treated in accordance with control of airborne particulate regulations and policy.

Very truly yours,

Robert C. Morrey, Jr., Director
Division of Support Services
Bureau of Air Quality Management

RCM/als

RECEIVED
JUL 24 1987

ZONING OFFICE



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reincke
Chief

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: John A. Smith, et ux

Location: NW/C Magnolia Avenue and Greenbriar Street

Item No.: 528

Zoning Agenda: Meeting of 6/23/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Driveway shall be of hard surface and support 50,000 lb. fire apparatus.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* 6/14/87
Planning Group
Special Inspection Division

Noted and

Approved: *John F. O'Neill*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer
Zoning Supervisor
FROM: James Thompson
Zoning Enforcement Coordinator
SUBJECT: Item No.: 528 (If known)
Petitioner: (If known)

VIOLATION CASE # 87-219CV
LOCATION OF VIOLATION 1700 Magnolia Rd. 21220
DEFENDANT John Smith ADDRESS Same

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Grace Frey 207 Wampler Rd. 21220

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer
Zoning Supervisor
FROM: James Thompson
Zoning Enforcement Coordinator
SUBJECT: Item No.: 528 (If known)
Petitioner: (If known)

VIOLATION CASE # 87-219CV
LOCATION OF VIOLATION 1700 Magnolia Rd. 21220
DEFENDANT John Smith ADDRESS Same

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Charles & Joann Nemec
11 Wampler Rd. 21220

687-8522

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

John B. Contrum, Esquire
809 Eastern Boulevard
Essex, Maryland 21221

October 5, 1987

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES
N/S Magnolia Ave., approx. 155' E of
Wampler Rd. (1700 Magnolia Ave.)
15th Election District - 6th Councilmanic District
John A. Smith, et ux - Petitioners
Case No. 88-173-SPHA

TIME: 2:00 p.m.

DATE: Monday, November 9, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Mr. John A. Smith
1700 Magnolia Avenue
Baltimore County, MD 21220

Re: Petition for Special Hearing and Variances
Case Nos. 88-173-SPHA

Do Smith

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Special Hearing and Variances have been Granted.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:med
enclosure

JRH:med

ccs: Mr. John A. Smith
Mrs. Rosemary L. Smith
1700 Magnolia Avenue
Baltimore, Maryland 21220

Ms. Grace Frey
207 Wampler Road
Baltimore, Maryland 21220

[10/14/87 - Copy mailed to Mr. and Mrs. Charles Nemec, 111 Wampler Road, Baltimore, Maryland 21220 by med.]

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 37626

DATE 6/12/87 ACCOUNT 01-615-000

AMOUNT \$ 200.00

RECEIVED FROM: *Rosemary L. Smith, G.H.F.*

FOR: *V-524 #528*

6 00000000000000000000

VALIDATION OR SIGNATURE OF CASHIER

15th Election District 88-173-SPHA

Location: N/S Magnolia Ave., approx. 155' E of Wampler Rd. (1700 Magnolia Ave.)

Hearing: Monday, November 9, 1987, at 2:00 p.m.

Petition for Special Hearing to permit a new church and a determination that it meets the RTA regulations to the extent possible

Petition for Zoning Variances to permit a 33' front yard setback in lieu of the required 40', a side yard SEE CARD #2

15th Election District 88-173-SPHA
CARD #2

setback of 10' in lieu of the required 20', the sum of the side yard setbacks of 52' in lieu of the required 55' for other principal buildings, and a stone paving surface in lieu of the required durable and dustless surface

Petitioners: John A. Smith, et ux

No. of Signs: 23 WALT STEALEY POST: 10/25/87

(1 is Location Sign)

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

November 3, 1987

John B. Contrum, Esquire
809 Eastern Boulevard
Essex, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES
N/S Magnolia Ave., approx. 155' E of Wampler Rd. (1700 Magnolia Ave.)
15th Election District - 6th Councilmanic District
John A. Smith, et ux - Petitioners
Case No. 88-173-SPHA

Dear Mr. Contrum:

This is to advise you that \$97.45 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:med

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45802

DATE 11/03/87 ACCOUNT 01-615-000

AMOUNT \$ 97.45

RECEIVED FROM: *John B. Contrum*

FOR: *Advertising and Posting*

VALIDATION OR SIGNATURE OF CASHIER

AUG 12 1988

LAW FIRM
Romada, Conrum, Honegan & Fees
10000 FORTRESS BLVD.
BETHESDA, MARYLAND 20814
TELEPHONE (301) 646-8211

RICHARD J. ROMADA
JOHN B. GONTRUM
CHARLES E. HONEGAN
DONALD E. BEARD
DONALD H. SHEFFY

JAN 11 1989

ZONING OFFICE
J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Case No. 88-173-SPHA
Petition of John A. Smith and wife

Dear Mr. Haines:

We are in receipt of your Order of December 10th granting zoning variances and release sought by the petitioners for the location of a church on their property on Magnolia Avenue. Condition No. 3A of your Order requires that the entire Magnolia Avenue property line except for the driveway be fenced to six feet in height with a wood privacy fence. This fence is to be placed in addition to additional landscaping as may be required by the Office of Current Planning. My recollection is that no requirement was sought at the time of the hearing for a fence along that particular property line. My recollection indicates that there was concern over the maintenance of a current fence located along the alley way on the west side of the property and that this fence may be extended along the property line to refer to any additional parking as indicated on the site plan.

A review of the site plan indicates that the Magnolia Avenue property line faces a vacant lot. The church is located to the rear of the main house and the main house itself faces Magnolia Avenue. I do not recall any complaints from the neighbors as to the location of the main house or its construction. The main house looks out on a wooded area and the only building within sight range is a garage located catty-corner to the subject site. My recollection is that there is no view of the church building itself from the garage or from properties located further to the west along Magnolia Avenue. We would respectfully request that your Order be revised to indicate maintenance of the fence along the alley way with the possible extension of the fence along the alley on either the east or west side of the alley to

screen the additional parking contained on our site plan and in your Order. I do not believe that it would serve any purpose for additional fencing in front of the main house located only 33 feet from the house itself. This could be a real eyesore to the occupants of the house, and I view it as little benefit to any of the neighbors, none of whom are facing the house or that direction.

It would be greatly appreciated if you could review your Order and the testimony with respect to that matter. We would, of course, be willing to place additional landscaping as may be found desirable by the Office of Current Planning wherever they wish to have it on the site. Thank you for your consideration.

Very truly yours,
John B. Gontrum

JBG:kd
Enc.
cc: Mr. John Smith

88-173-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
27th day of September, 1987

J. Robert Haines
ZONING COMMISSIONER
Petitioner: John A. Smith, et ux
Petitioner's Attorney: John B. Gontrum, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
To: Zoning Commissioner
Date: October 29, 1987
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-173-SPHA

A County Review Group meeting is required. The plan must be revised to comply with the standards set forth in the Baltimore County Landscape Manual.

The Division of Current Planning and development noted the desirability of access via Greenbriar Street, not the alley; that if the alley is utilized, it should be widened to 20 feet; and that the parking area should be paved.

Norman E. Gerber, AICP
Director

NEG:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
ZONING OFFICE

MIDDLE RIVER CIVIC ASSOCIATION

BALTIMORE COUNTY, MD. 21220

REFERENCE: ZONING CASE # 88-173-SPHA

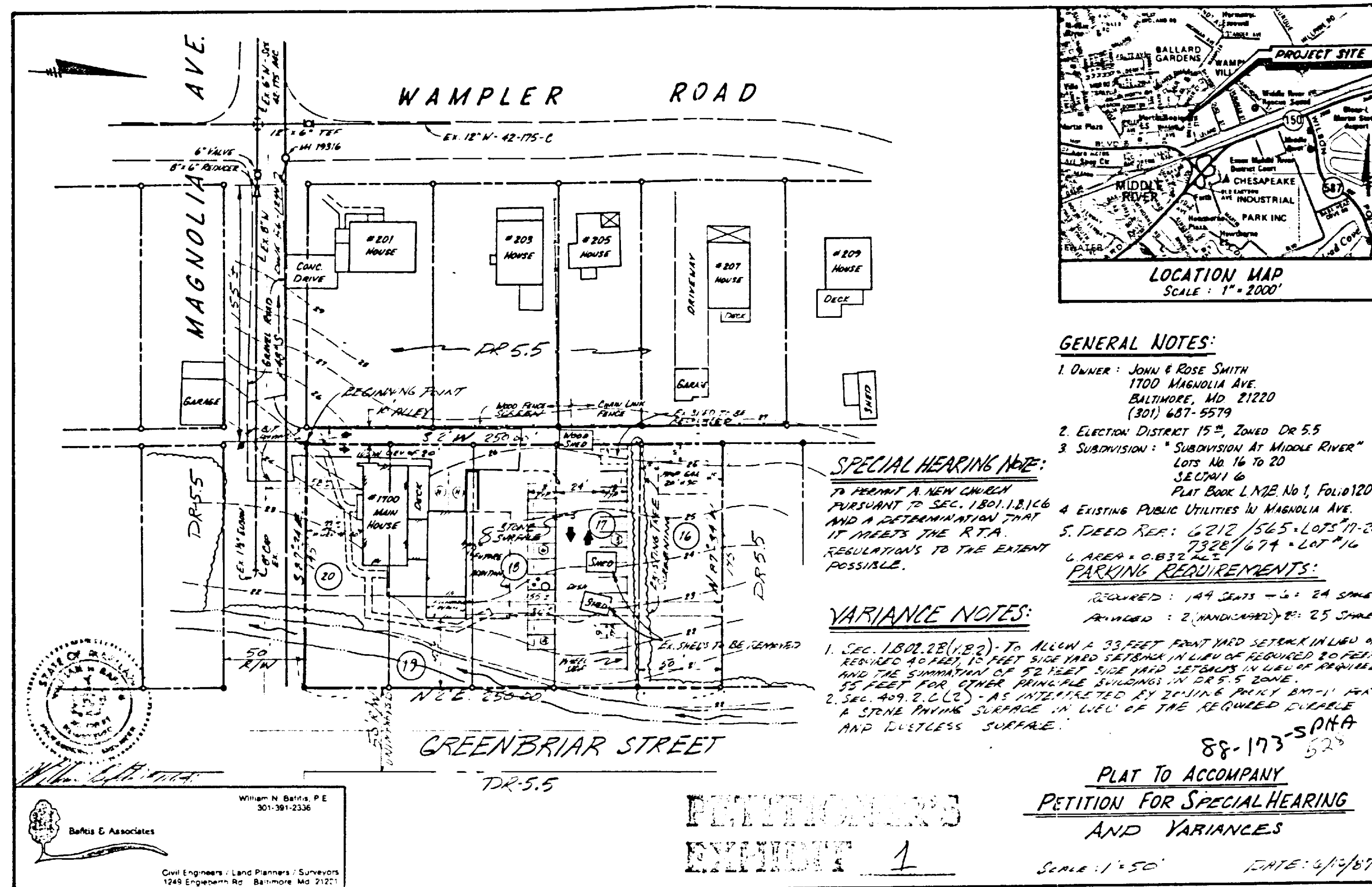
"TO PERMIT A NEW CHURCH AND A DETERMINATION THAT IT MEETS THE RESIDENTIAL TRANSITION AREA REGULATIONS TO THE EXTENT POSSIBLE"
(Location: 1700 Magnolia Ave., Middle River, MD 21220)

TO WHOM IT MAY CONCERN:

We the undersigned would like to relay our opposition to the operation of a new church in a very confined area and in extremely close proximity of our established neighborhood:

NAME	ADDRESS
Bonnie R. Howell	210 Wampler Rd. 21220
Christina L. Smith	208 Wampler Rd.
Margaret G. H. H. H.	214 Wampler Rd. 21220
Deborah Dell	216 Wampler Rd. 21220

POSTED
EXHIBIT 2



GENERAL NOTES:

1. OWNER: JOHN A. ROSE SMITH
1700 MAGNOLIA AVE.
BALTIMORE, MD 21220
(301) 687-9579
2. ELECTION DISTRICT: 15th, ZONED DR-5.5
3. SUBDIVISION: "SUBDIVISION AT MIDDLE RIVER"
LOTS NO. 16 TO 20
SECTION 16
PLAT BOOK L.N.E. No. 1, Folio 120
4. EXISTING PUBLIC UTILITIES IN MAGNOLIA AVE.
5. DEED REF: 6212/545, LOTS 17-20
6. AREA: 0.832 ACRES
7. PARKING REQUIREMENTS:
REQUIRED: 144 SPACES - 24 SPACES
PROVIDED: 2 (HANDICAPPED) - 25 SPACES

VARIANCE NOTES:

1. SEC. 1801.18(2) TO ALLOW A 33 FEET FRONT YARD SETBACK IN LIEU OF THE REQUIRED 50 FEET SETBACK AND A DETERMINATION THAT THE SUBSTITUTION OF 33 FEET SIDE YARD SETBACK IN LIEU OF THE REQUIRED 25 FEET SIDE YARD SETBACK IS IN THE BEST INTERESTS OF THE COMMUNITY.
2. SEC. 1801.18(2) TO ALLOW A 33 FEET FRONT YARD SETBACK IN LIEU OF THE REQUIRED 50 FEET SETBACK AND A DETERMINATION THAT THE SUBSTITUTION OF 33 FEET SIDE YARD SETBACK IN LIEU OF THE REQUIRED 25 FEET SIDE YARD SETBACK IS IN THE BEST INTERESTS OF THE COMMUNITY.

88-173-SPHA
PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
AND VARIANCES
SCALE: 1" = 50' DATE: 10/14/87

Petitions For Special Hearing and Variances

10th Election District
6th Councilmanic District

Case No. 88-173-SPHA

LOCATION: North side of Magnolia Ave., approximately 100 feet east of Wampler Road (1700 Magnolia Ave.)

DATE AND TIME: Monday, November 9, 1987, at 2:00 P.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following:

Petition for Special Hearing to permit a new church and a determination that it meets the RTA regulations to the extent possible.

Petition for Zoning Variances to permit a 33 foot front yard setback in lieu of the required 50 feet, a side yard setback of 10 feet in lieu of the required 25 feet, the sum of the side yard setbacks of 80 feet in lieu of the required 100 feet for other principal buildings, and a stone paving surface in lieu of the required durable and smooth surface.

Being the property of John A. Smith, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
J. Robert Haines
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., Oct 27, 1987

This is to certify that the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of successive

weeks before the 22nd day of

1987

Publisher.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15th Date of Posting: 10/14/87

Posted for: Special Hearing & Variances

Petitioner: John A. Smith, et ux

Location of property: N.E. Magnolia Ave. approx. 100' E. Wampler Rd.

1700 Magnolia Ave.

Location of Signs: Front, side, rear, corner, 6' x 6' on roadway, on property of P.B. Haines

Remarks: N/A

Posted by: J. B. Gontrum

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 22, 1987

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., appearing on

Oct 22, 1987

THE JEFFERSONIAN,

Susan Shuler Abbott

Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15th Date of Posting: 10/14/87

Posted for: Special Hearing & Variances

Petitioner: John A. Smith, et ux

Location of property: N.E. Magnolia Ave. approx. 100' E. Wampler Rd.

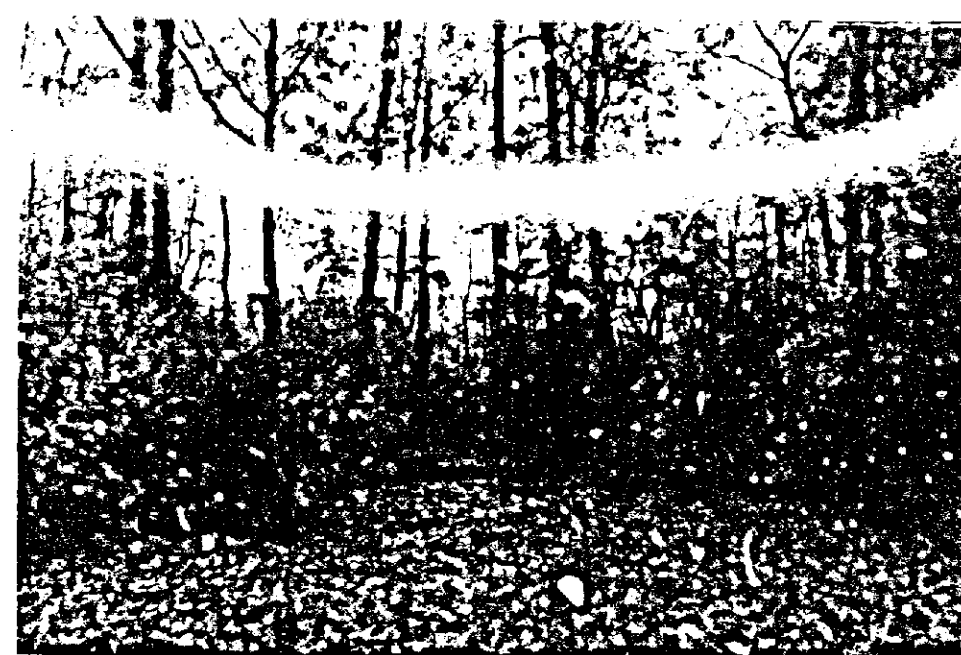
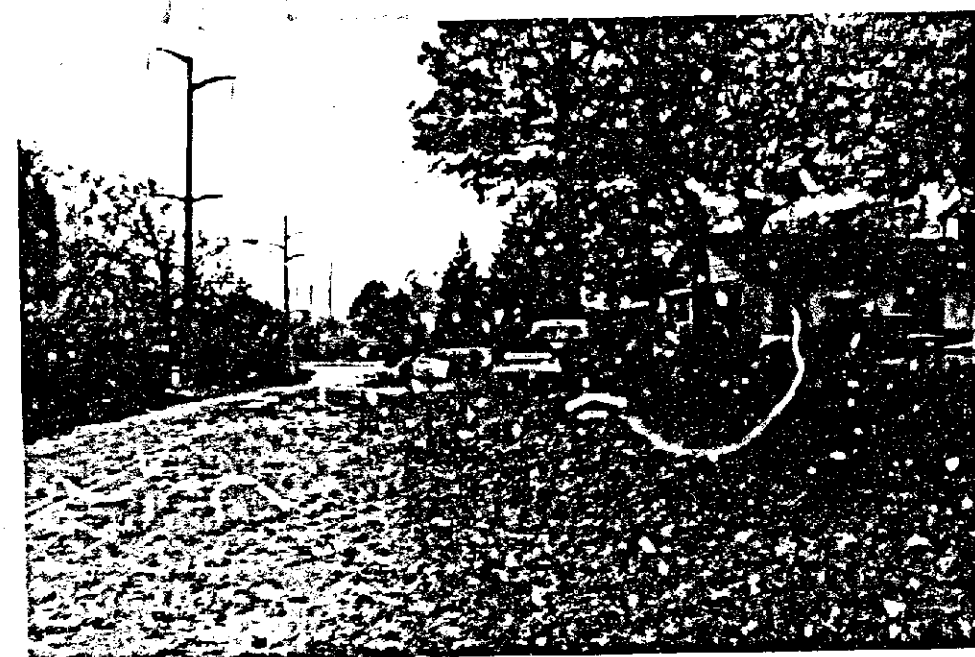
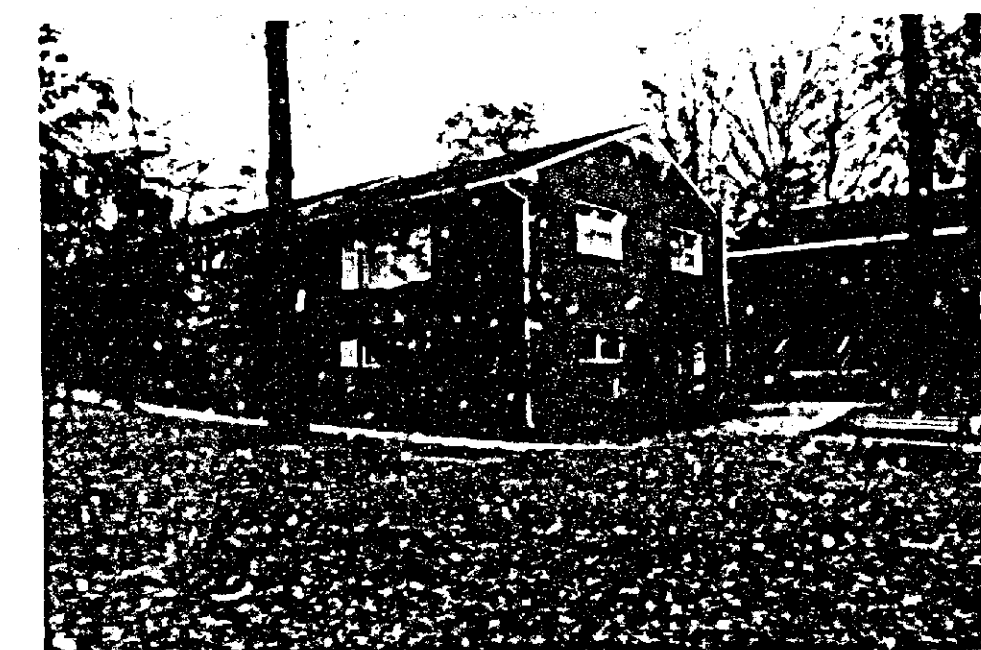
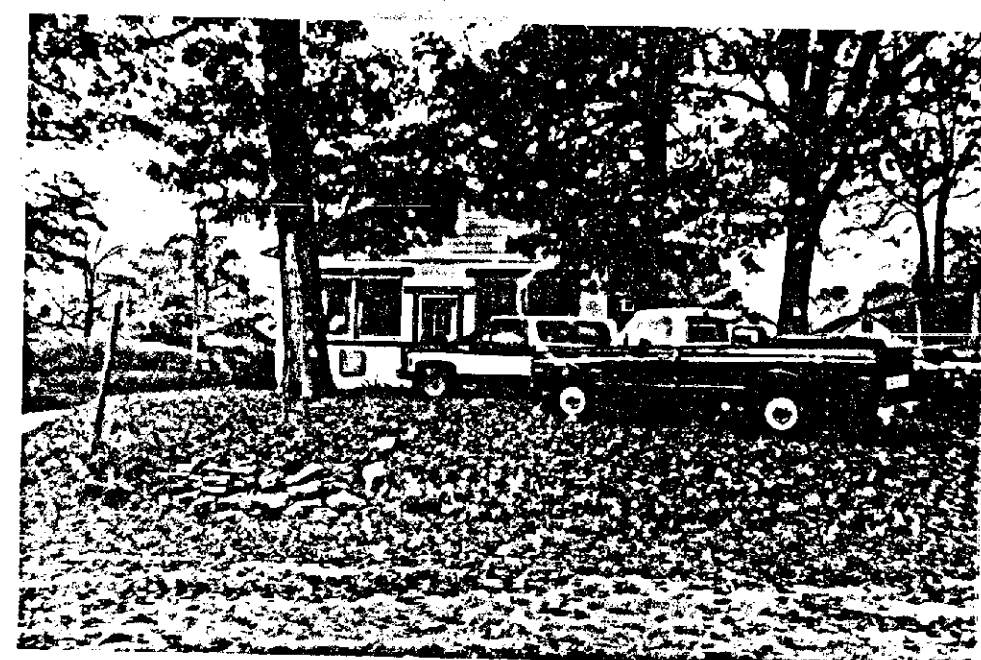
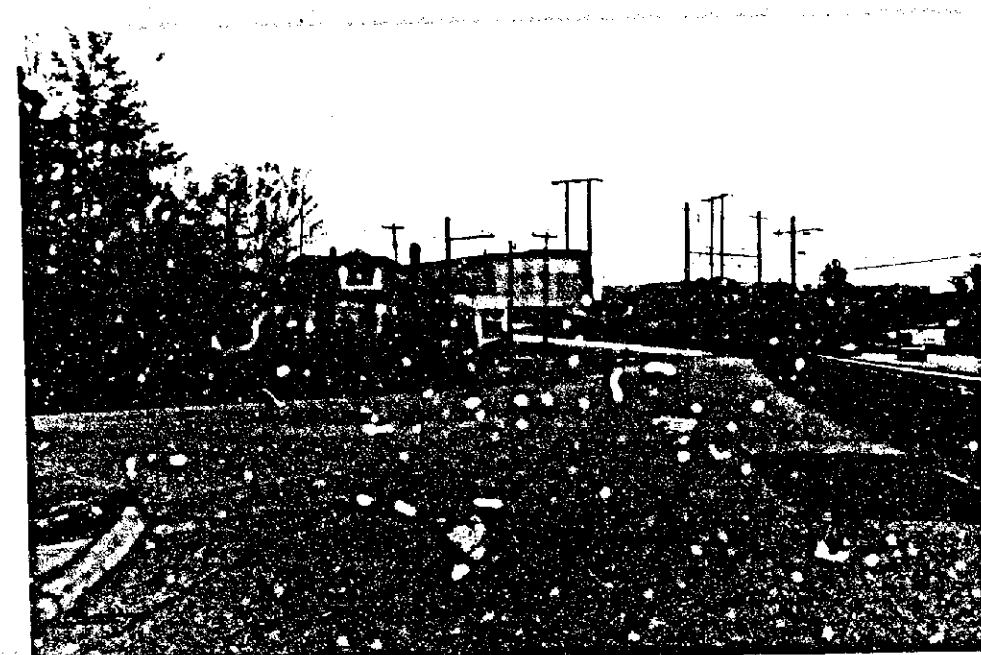
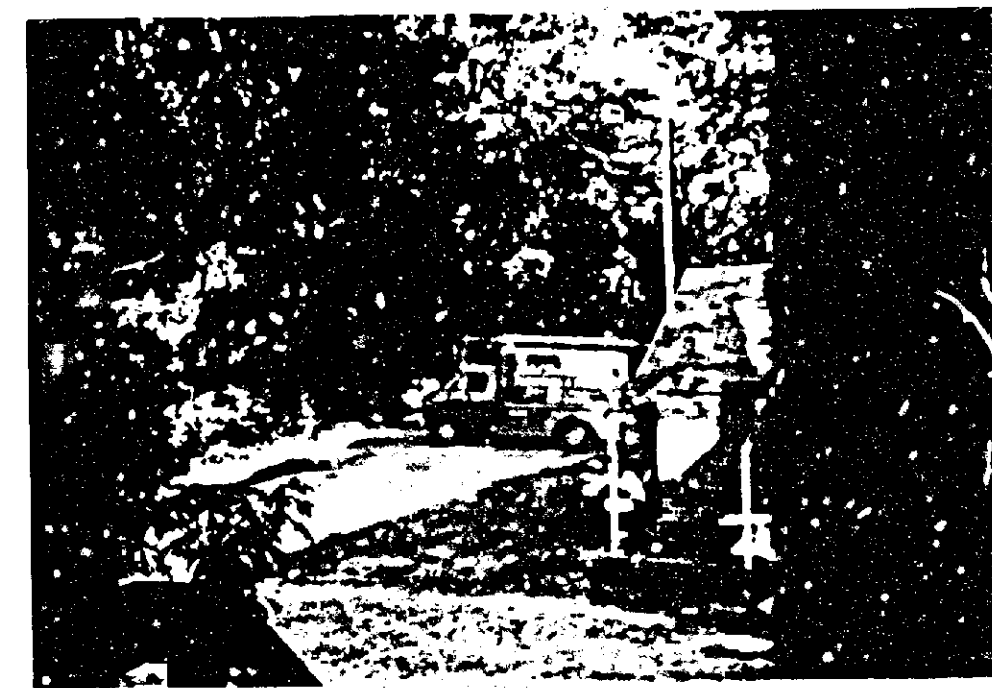
1700 Magnolia Ave.

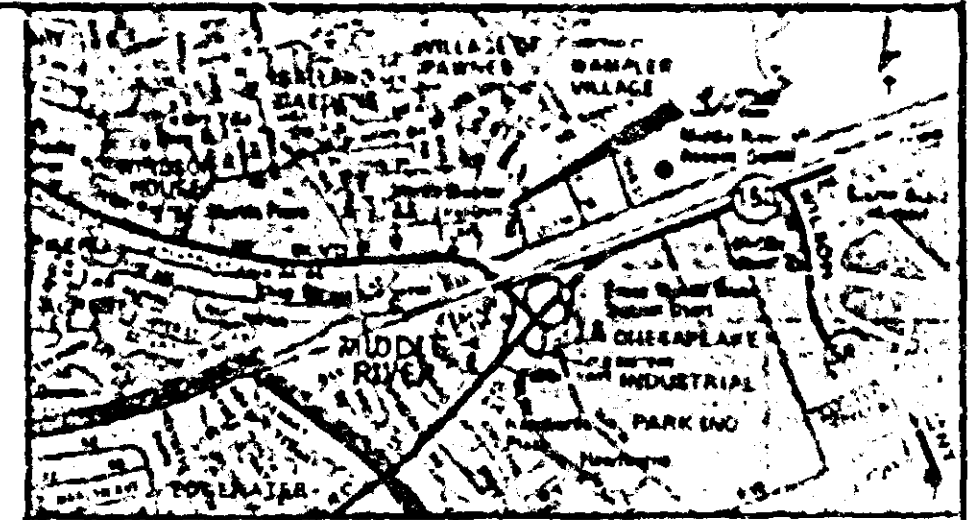
Location of Signs: at intersection of Magnolia & Wampler Rds.

Remarks: N/A

Posted by: J. B. Gontrum

Number of Signs: 1





VICINITY MAP
SCALE 1"=200'

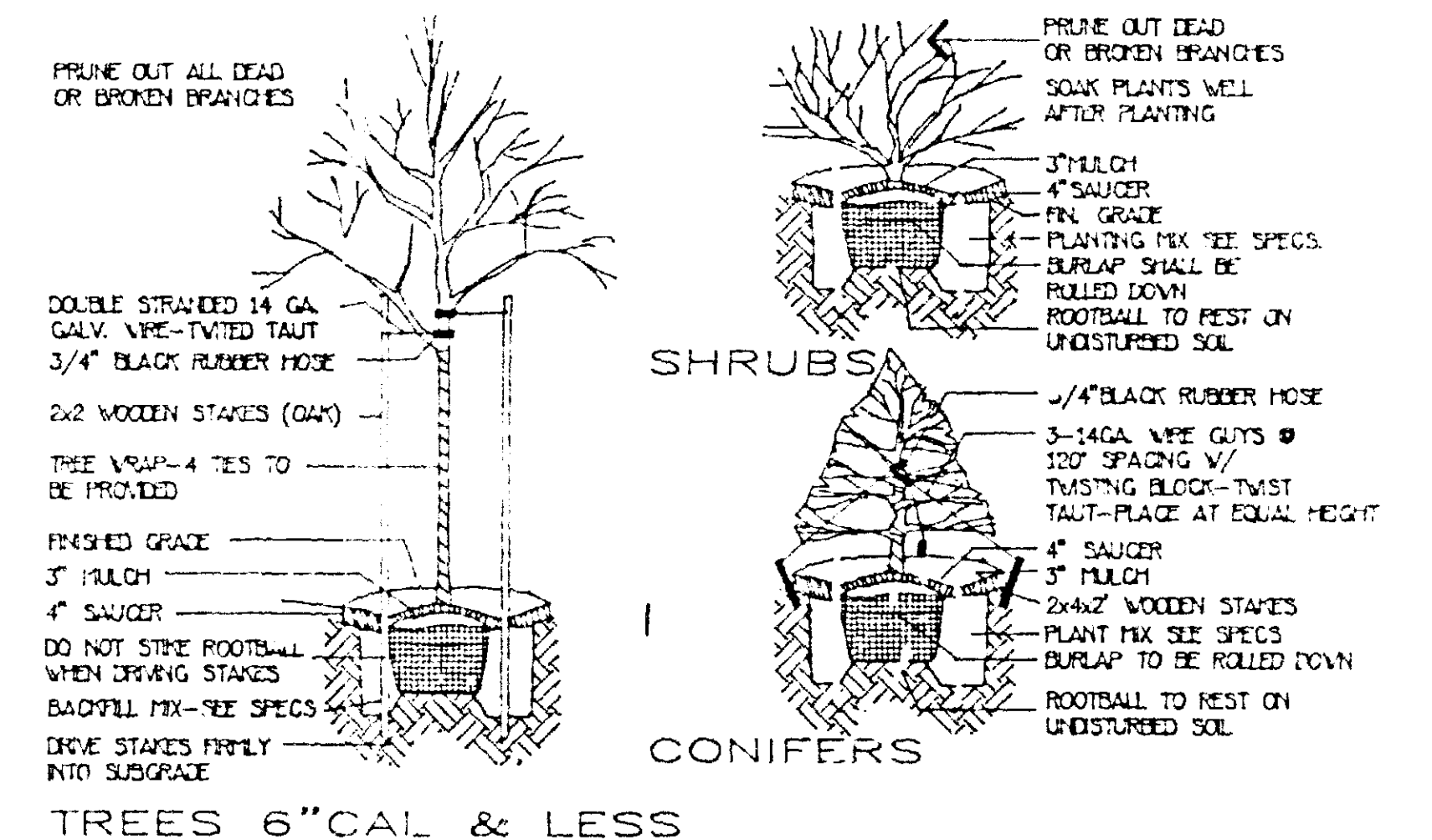
All nursery stock shall conform to the American Association of Nurserymen, Inc. standards as described in "American Standards for Nursery Stock", publication ANSI Z60.1-1980, latest edition.

Landscape Specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area". A one year maintenance and warranty period shall be required.

All nursery stock shall be planted in accordance with the American Association of Nurserymen, Inc., "American Standards for Nursery Stock", latest edition. Bare-root material shall not be allowed for any tree defined as major deciduous, minor deciduous, or evergreen.

All landscaping shall conform to the standards contained in the Baltimore County Landscape Manual, latest edition.

Equal substitutions and or minor changes on location to suit field conditions shall be approved by the Landscape Architect.

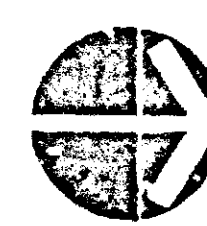


PLANTING DETAILS NOT TO SCALE

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	ROOT	SIZE	QUAN.
T1	Quercus palustris	Pin Oak	B&B	2" 2.5" cal	5
T2	Prunus kwansan	Kwansan Cherry	B&B	1.5" 2" cal	5
T3	Cornus kousa	Kousa Dogwood	B&B	1.5" 2" cal	3
T4	Pinus strobus	WHITE PINE	B&B	5' 6'	4

PLANTING TABULATION CHART
OF PLANTS SPECIFIED 23 + 12 = 35
200' PER LINE 250' PER LINE 300' PER LINE
MINIMUM PER LINE 10'



0 20 40 60



SCALE IN FEET EXHIBIT 3

"I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1983, dated October 21, 1983."

Signature of Applicant
Date 11/9/87

"I certify that the schematic planting plan shown herein is consistent with the goal and intent of the Baltimore County Landscape Manual, 1983, and meets the applicable policy, guidelines and ordinances."

Signature of Applicant
Date 11/9/87

PSI Peck/Smith, Inc.
Landscape architecture / land planning
Suite B, 232 Calverley Road, Calverley Maryland 21020 Phone 301-461-4120

GOOD NEWS FELLOWSHIP CHURCH
William N. Balala, P.E.
301-381-2336

DATE: 5/3/87
REVISED 11/9/87

Bafts & Associates
Civil Engineers / Land Planners / Surveyors
1240 Ergleborn Rd. Baltimore, Md. 21221